



W.P.(MD)No.20047 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.08.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.20047 of 2024

Jeyapraakash

... Petitioner

Vs.

- 1.The District Collector,
Kanniyakumari District,
At Nagercoil.
- 2.The Superintendent of Police,
Kanniyakumari District,
At Nagercoil.
- 3.The Inspector of Police,
Puthukkadai Police Station,
Kanniyakumari District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the third respondent Inspector of Police dated 10.08.2024 and to quash the same and consequently direct the third respondent to permit the petitioner to erect decorative arches from Thengapattanam to Vettumani and Chadayankuzhi to Ganapathiyankadavu Bridge in connection with festival



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of Church of Our Lady of Health at Munchirai, Puthukkada, Kanyakumari District scheduled from 30.08.2024 to 08.09.2024.

For Petitioners : Mr.Sivakumar
For Respondents : Mr.E.Antony Sahaya Prabakar,
Additional Public Prosecutor.

ORDER

This writ petition has been filed seeking orders to quash the impugned proceedings issued by the third respondent Inspector of Police dated 10.08.2024 and to direct the third respondent to permit the petitioner to erect decorative arches from Thengapattanam to Vettumani and Chadayankuzhi to Ganapathiyankadavu Bridge in connection with festival of Church of Our Lady of Health at Munchirai, Puthukkada, Kanyakumari District scheduled from 30.08.2024 to 08.09.2024.

2.It is submitted by learned counsel for the petitioner that the Church of Our Lady of Health where the festivals are being conducted is of 112 years old and a festival is being conducted every year for a period of ten days and also 1500 families offer worship regularly.



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3.It is submitted that the petitioner is intending to erect thirty decorative illuminated arches all long from Thengapattanam to Vettumani and Chadayankuzhi to Ganapathiyankadavu Bridge. However, the request of the petitioner filed on 08.08.2024 was declined by the third respondent Police on the ground that of obstruction with flow of traffic and the second one is danger to the public, in case, if the arches fall on the persons, who are attending the function. The petitioner has filed a copy of the order of this Court in W.P.(MD)No.19945 of 2023, dated 24.08.2023, wherein, when a similar request was made to the respondent Police and the same was declined and thereby, the petitioner had approached this Court, a direction was given to the Police. Accordingly, permission was granted and the festival was conducted by erecting the arches.

4.Learned Additional Public Prosecutor on the other hand submits that the Police have no objection to erect arches from Thengapattanam to Vettumani, in case, if safety standards are maintained and number of arches are limited.



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5.Considering the circumstances, this Writ Petition is allowed, directing the third respondent to permit the petitioner to erect about 10 arches from Thengapattanam to Vettumani by taking extra care in respect of usage of material for erection of arches, so that, the arches shall not fall due to huge winds and that the petitioner shall give an undertaking that he will take all safety measures and will not leave the undertaking about the safety measures and that will take personal risk in respect of the safety of the people and also by imposing necessary conditions. No costs.

29.08.2024

NCC :yes/No

Index :yes/No

Internet:yes/No

gns

Note: Issue order copy on 30.08.2024.

To

- 1.The District Collector,
Kanniyakumari District,
At Nagercoil.
- 2.The Superintendent of Police,
Kanniyakumari District,
At Nagercoil.
- 3.The Inspector of Police,
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K.MURALI SHANKAR,J.

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